

ROTHWELL, FIGG, ERNST & MANBECK

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FACSIMILE TRANSMITTAL SHEET**FAX RECEIVED****SEP 15 2010****OFFICE OF PETITIONS****DATE:** September 15, 2010**TO:** Office of Petitions
U.S. Patent and Trademark Office**Fax:** 571-273-0025**FROM:** Brian S. Rosenbloom**OUR REF:** 2972-104
Patent No.: Re 38,787
Issued: August 30, 2005

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Number of Pages Including This Transmittal Sheet: 23**If any problems in connection with this facsimile, please contact: Carole at 202-783-6040.****MESSAGE, IF ANY:**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No. : Re. 38,787
Patentees : Joseph B. SAINTON et al.
Issued : August 30, 2005
Serial No. : 09/392,676
Filed : September 8, 1999

Docket No. : 740301-411 (2972-104)
Customer No. : 06449
For : APPARATUS AND METHODS FOR
: NETWORKING OMNI-MODAL RADIO DEVICES

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RESUBMISSION OF PETITION
UNDER RULES 1.181(b) AND 1.377

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OFFICE OF PETITIONS


Attorneys for applicant called the Patent and Trademark Office, Office of Petitions, on September 14, 2010, to check on the status of a Petition Under Rules 1.181(B) and 1.377 which was filed in the PTO on June 10, 2010.

We were informed that no record could be found of the June 10, 2010 submission, so we have assumed that the papers have been lost in the PTO.

Accordingly, submitted herewith is a copy of the original submission of June 10, 2010, including stamped receipt sheet. Since the original papers were filed over three months ago, it is respectfully requested that the Petition receive prompt attention.

Respectfully submitted,

By



Brian S. Rosenbloom
Attorney for Applicants
Registration No. 41,276
ROTHWELL, FIGG, ERNST & MANBECK, p.c.
Suite 800, 1425 K Street, N.W.
Washington, D.C. 20005
Telephone: (202)783-6040

Attention: Office of Petitions
Petition Under Rules 1.181(b) and 1.377

-1-

Docket No. 740301-411

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Patent of:

Joseph B. Sainton et al.

Reissue Patent No. Re 38,787

Issued: August 30, 2005

(issued on Reissue Application

Ser. No. 09/392,676 based on

Patent No. 5,761,621)

Filed: September 8, 1999

For: APPARATUS AND METHODS

FOR NETWORKING OMNI-

MODAL RADIO DEVICES

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Office of Petitions

FAX RECEIVED

SEP 15 2010

OFFICE OF PETITIONS

PETITION UNDER RULES 1.181(B) AND 1.377

Director of the United States Patent and Trademark Office

P.O. Box 1450

Alexandria, Virginia 22313-1450

Dear Sir:

The undersigned, on behalf of the patentee, hereby petitions for acceptance and recordation, as timely, of the accompanying payment of the third maintenance fee for RE38,787 that was due on June 2, 2010. The facts on which this petition is based are:

1. On June 2, 2010, the undersigned sent a three page fax transmission to the PTO authorizing payment of the third annuity for RE38,787. The fax included a Form PTO/SB/45 Maintenance Fee Transmittal Form, a PTO-2038 Credit Card Payment Form

Application No. 09/392,676
Docket No. 740301-411

- 2 -

and a print out of the web page displaying the PTO Maintenance Fee Bibliographic Data pertaining to RE38,787. The fax was sent to the fax number (571 273 6500) appearing on PTO/SB/45 Form." Exhibit A includes a copy of the three page fax.

2. Exhibit B is a Fax History Report indicating that the three page fax transmission was successfully received at 571 273 6500 on June 2, 2010.
3. PTO Form 2038 of Exhibit A authorized the PTO to charge the requisite fee to a Visa credit card account and included the following statement in the box labeled "Description of Request and Payment Information:

"Third Maintenance Fee Payment (Fee is due because this patent was not surrendered upon issuance of divisional RE40540 as indicated by PTO maintenance records: See attached print out."

4. Attached as page 3 to the June 2, 2010 fax (Exhibit A) was a copy of the web page obtained on-line from the PTO Maintenance Fee data base

<https://ramps.uspto.gov/eram/getMaintFeesInfo.do?sessionid=00005f45n155KieUSiv3X3cXMOX:11g10965f> including Bibliographic Data regarding the subject '787 reissue patent. In the box labeled "status," this web page includes the incorrect statement:

"This patent has been reissued as RE40540."

In the box labeled "Most recent events (up to 7)" the print out includes the following accurate statement:

"11/11/2005 Payment of Maintenance Fee, 8th Year, Large Entity"

indicating that the PTO had received and recorded the second maintenance fee payment for RE38,787.

Four arrows appear on the print out directing attention to the incorrect information and the following handwritten notation appears :

"This is wrong. RE40,540 was issued on divisional App. Ser. No. 10/737,670. RE38,787 was never surrendered."

Application No. 09/392,676

Docket No. 740301-411

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5. Exhibit D is a copy of the "Notice of Non-Acceptance of Patent Maintenance Fee" dated June 4, 2010 (including a copy of the undersigned's three page fax-Exhibit A) indicating that the PTO did not accept payment because

"5. The above-identified patent was reissued. In accordance with 37 CFR 1.366(d), the reissue patent number and reissue application number must be provided."

...

"8. Other: The reissued number you cited is incorrect ."

6. Exhibit C is a copy of a Certificate of Correction issued on December 16, 2008 in which the status of Ser. No. 09/392,676 (now RE38,787) is described, namely that the '676 application is one of three divisional reissue applications filed on original Patent No. 5,761,621.

Discussion

The PTO's refusal to accept the third maintenance fee is improper because the subject RE38,787 was not reissued as RE40,540 as is made clear by the Certificate of Correction dated December 16, 2008 (Exhibit C). Moreover, the decision to refuse payment on the incorrect grounds set forth in the June 4, 2010 Notice (Exhibit D) is inconsistent with the PTO's acceptance of the second maintenance fee payment on November 11, 2005.

The incorrect information contained in the PTO's maintenance fee data base and the divisional status of the subject RE38,787 patent was brought to the attention of the PTO on the second and third pages of the fax transmission of June 2, 2010 (Exhibit A) and it would be unjust and unfair for the PTO to refuse to honor the undersigned's timely authorization to charge his credit card for the cost of payment of the third maintenance fee due on June 2, 2010.

A new request for payment of the third maintenance fee (Form PTO/SB/45) is attached hereto along with a Credit Card Payment Form (Form PTO-2038). Should this petition be denied, the PTO is requested to refund any charges made.

Application No. 09/392,676
Docket No. 740301-411

- 4 -

A second PTO-2038 Form is attached authorizing a charge of \$200 as required under, Rule 1.17(g) and by Rules 1.181(b) and Rule 1.377(b). The undersigned requests that this fee be refunded in view of the fact that the refusal to accept timely payment of the third maintenance fee in accordance with the undersigned's June 2, 2010 faxed authorization was a PTO error.

Respectfully submitted,

Date: June 10, 2010

Charles M. Leedom, Jr.
Charles M. Leedom, Jr.
Registration No. 26,477

MLR, LLC
6524 Truman Lane
Falls Church, VA
Telephone: (703) 241-0165
Fax: (703) 241-5733
Email: cleedom@mlr-llc.com

CML/cml

PTO/SB/45 (03-09)

Approved for use through 03/31/2012. OMB 0651-0016

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

MAINTENANCE FEE TRANSMITTAL FORM**(Do not submit this form electronically via EFS-Web)**

Address to:
Director of the United States
Patent and Trademark Office
Attn: Maintenance Fee
2051 Jamieson Avenue, Suite 300
Alexandria, VA 22314

- OR -

Fax to: 571-273-6500

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314" on _____

Signature _____

Typed or printed name _____

Enclosed herewith is the payment of the maintenance fee(s) for the listed patent(s).

1. ☐ A check for the amount of \$ _____ for the full payment of the maintenance fee(s) and any necessary surcharge is enclosed.
2. ☒ Payment by credit card. Form PTO-2038 is enclosed.
3. ☐ The Director is hereby authorized to charge \$ _____ to cover the payment of the fee(s) indicated below to Deposit Account No. _____.
4. ☐ The Director is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. _____.

* Information required by 37 CFR 1.366(c) (columns 1 & 2). Information requested under 37 CFR 1.366(d) (columns 3, 4, & 5).

Item	Patent Number* Column 1	U.S. Application Number* [e.g., 06/555,555] Column 2	Maintenance Fee Amount (37 CFR 1.20(e)-(g)) Column 3	Surcharge Amount (37 CFR 1.20(h)) Column 4	Payment Year (select one below) Column 5		
					3.5 yrs	7.5 yrs	11.5 yrs
1	RE38,787	09/392,676	4110	130			X
2							
3							
4							
5							
Subtotals: Columns 3 & 4			4110	130			
Total Payment			4240				

☐ _____ additional sheets attached for listing additional patents.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on Form PTO-2038.

Respectfully submitted, **

Customer's Signature

Charles M. Leedom, Jr.

Customer's Name Charles M. Leedom, Jr.

Registration Number, if applicable: 26,477

Telephone: 703 241 0165

Fax: 703 241 5733

Note: All correspondence will be forwarded to the "Fee Address" or to the "Correspondence Address" if no "Fee Address" has been provided. See 37 CFR 1.363.

Payment of small entity fee is appropriate if small entity status still exists, see 37 CFR 1.27(g). To establish small entity status or to change status from small to large entity, a written assertion is required. See 37 CFR 1.27 and 1.33(b).

** WHERE MAINTENANCE FEE PAYMENTS ARE TO BE MADE BY AUTHORIZATION TO CHARGE A DEPOSIT ACCOUNT, BOTH THE NAME AND SIGNATURE OF AN AUTHORIZED USER ARE REQUIRED.

This collection of information is required by 37 CFR 1.366. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form end/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA. 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO-2038 (01-2010)

Approved for use through 12/31/2011. OMB 0651-0043

United States Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Credit Card Payment Form

(Do not submit this form electronically via EFS-Web)

Please Read Instructions before Completing this Form

Credit Card Information			
Credit Card Type: <input checked="" type="checkbox"/> Visa <input type="checkbox"/> MasterCard <input type="checkbox"/> American Express <input type="checkbox"/> Discover			
Credit Card Account #: [REDACTED]			
Credit Card Expiration Date (mm/yyyy): 04/2012			
Name as it Appears on Credit Card: CHARLES M LEEDOM JR			
Payment Amount (US Dollars): \$ 4240			
Cardholder Signature: <i>Charles M. Leedom Jr.</i>		Date (mm/dd/yyyy): 06/10/2010	
<p>Refund Policy: The USPTO may refund a fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee will not entitle a party to a refund of such fee. The USPTO will not refund amounts of \$25.00 or less unless a refund is specifically requested and will not notify the payor of such amounts (37 CFR 1.26). Refund of a fee paid by credit card will be issued as a credit to the credit card account to which the fee was charged.</p> <p>Service Charge: There is a \$50.00 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution (37 CFR 1.21 (m)).</p>			
Credit Card Billing Address			
Street Address 1: 6524 Truman Lane			
Street Address 2:			
City: Falls Church			
State/Province: Virginia		Zip/Postal Code: 22043	
Country: USA			
Daytime Phone #: 703 241 0165		Fax #: 703 241 5733	
Request and Payment Information			
Description of Request and Payment Information:			
Third Maintenance Fee Payment (Fee is due because this patent was not			
<input type="checkbox"/> Patent Fee	<input checked="" type="checkbox"/> Patent Maintenance Fee	<input type="checkbox"/> Trademark Fee	<input type="checkbox"/> Other Fee
Application No.	Application No. 09/392,676	Application No.	IDON Customer No.
Patent No.	Patent No. RE38,787	Registration No.	
Attorney Docket No.		Identify or Describe Mark	

If the cardholder includes a credit card number on any form or document other than the Credit Card Payment Form or submits this form electronically via EFS-Web, the United States Patent and Trademark Office will not be liable in the event that the credit card number becomes public knowledge.

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Credit Card Payment Form

(Do not submit this form electronically via EFS-Web)

Please Read Instructions before Completing this Form

Credit Card Information			
Credit Card Type: <input checked="" type="checkbox"/> Visa <input type="checkbox"/> MasterCard <input type="checkbox"/> American Express <input type="checkbox"/> Discover			
Credit Card Account #:		FAX RECEIVED	
Credit Card Expiration Date (mm/yyyy):		SEP 15 2010	
Credit Card Expiration Date (mm/yyyy):		04/2012	
Name as it Appears on Credit Card:		OFFICE OF PETITIONS	
Name as it Appears on Credit Card:		CHARLES M LEEDOM JR	
Payment Amount (US Dollars): \$		200	
Cardholder Signature:		Date (mm/dd/yyyy):	
Cardholder Signature: <i>Charles M Leedom Jr</i>		Date (mm/dd/yyyy): 06/10/2010	
<p>Refund Policy: The USPTO may refund a fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee will not entitle a party to a refund of such fee. The USPTO will not refund amounts of \$25.00 or less unless a refund is specifically requested and will not notify the payor of such amounts (37 CFR 1.26). Refund of a fee paid by credit card will be issued as a credit to the credit card account to which the fee was charged.</p> <p>Service Charge: There is a \$50.00 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution (37 CFR 1.21 (m)).</p>			
Credit Card Billing Address			
Street Address 1: 6524 Truman Lane			
Street Address 2:			
City: Falls Church			
State/Province: Virginia		Zip/Postal Code: 22043	
Country: USA			
Daytime Phone #: 703 241 0165		Fax #: 703 241 5733	
Request and Payment Information			
Description of Request and Payment Information:			
Petition Fee under Rule 1.17(g)			
<input checked="" type="checkbox"/> Patent Fee	<input type="checkbox"/> Patent Maintenance Fee	<input type="checkbox"/> Trademark Fee	<input type="checkbox"/> Other Fee
Application No. 09/392, 676	Application No.	Application No.	IDON Customer No.
Patent No. RE38, 787	Patent No.	Registration No.	
Attorney Docket No.		Identify or Describe Mark	

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EXHIBIT A

PTO/SB/45 (03-09)

Approved for use through 03/31/2012, OMB 0851-0016

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Signature _____

Typed or printed name _____

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Item	Patent Number*	U.S. Application Number* [e.g., 06/555,555]	Maintenance Fee Amount (37 CFR 1.20(e)-(g))	Surcharge Amount (37 CFR 1.20(h))	Payment Year (select one below) Column 5		
					3.5 yrs	7.5 yrs	11.5 yrs
1	RE38,787	09/392,676	4110	130			X
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4							
5							
Subtotals: Columns 3 & 4			4110	130			
Total Payment			4240				

☐ _____ additional sheets attached for listing additional patents.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on Form PTO-2038.

Respectfully submitted, **

Customer's Signature

Customer's Name Charles M. Leedom, Jr.Registration Number, if applicable: 26,477Telephone: 703 241 0165Fax: 703 241 5733

Note: All correspondence will be forwarded to the "Fee Address" or to the "Correspondence Address" if no "Fee Address" has been provided. See 37 CFR 1.363.

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PTO-2038 (01-2010)

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Credit Card Payment Form

(Do not submit this form electronically via EFS-Web)
Please Read Instructions before Completing this Form

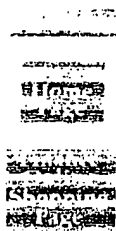
Credit Card Information			
Credit Card Type:	<input checked="" type="checkbox"/> Visa	<input type="checkbox"/> MasterCard	<input type="checkbox"/> American Express <input type="checkbox"/> Discover
Credit Card Account #:	[REDACTED]		
Credit Card Expiration Date (mm/yyyy):	04/2012		
Name as it Appears on Credit Card:	CHARLES M LEEDOM JR		
Payment Amount (US Dollars): \$	4240		
Cardholder Signature:	Date (mm/dd/yyyy): 06/02/2010		
<small>Refund Policy: The USPTO may refund a fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee will not entitle a party to a refund of such fee. The USPTO will not refund amounts of \$25.00 or less unless a refund is specifically requested and will not notify the payor of such amounts (37 CFR 1.29). Refund of a fee paid by credit card will be issued as a credit to the credit card account to which the fee was charged.</small>			
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Credit Card Billing Address			
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Daytime Phone #: 703 241 0165		Fax #: 703 241 5733	
Request and Payment Information			
Description of Request and Payment Information:			
Third Maintenance Fee Payment (Fee is due because this patent was not <input checked="" type="checkbox"/> <input type="checkbox"/>			
<input type="checkbox"/> Patent Fee	<input checked="" type="checkbox"/> Patent Maintenance Fee	<input type="checkbox"/> Trademark Fee	<input type="checkbox"/> Other Fee
Application No.	Application No. 09/392,676	Application No.	IDON Customer No.
Patent No.	Patent No. RE38,787	Registration No.	
Attorney Docket No.		Identify or Describe Mark	

If the cardholder includes a credit card number on any form or document other than the Credit Card Payment Form or submits this form electronically via EFS-Web, the United States Patent and Trademark Office will not be liable in the event that the credit card number becomes public knowledge.

* surrendered upon issuance of divisional RE40,540 as indicated by PTO on-line maintenance records. See attached print out.

USPTO - Patent Bibliographic Data (Patent Number: RE38787)

Page 1 of 1



United States
Patent and
Trademark Office

Patent Bibliographic Data				06/02/2010 07:30 AM	
Patent Number:	RE38787		Application Number:	09392676	
Issue Date:	08/30/2005		Filing Date:	09/06/1996	
Title:	APPARATUS AND METHODS FOR NETWORKING OMNIMODAL RADIO DEVICES				
Status:	This patent has been reissued as: RE40540			Entity:	Large
Window Opens:	N/A	Surcharge Date:	N/A	Expiration:	N/A
Fee Amt Due:	Window not open	Surchg Amt Due:	Window not open	Total Amt Due:	Window not open
Fee Code:					
Surcharge Fee Code:					
Most recent events (up to 7):	11/11/2005 Payment of Maintenance Fee, 8th Year, Large Entity --- End of Maintenance History ---				
Address for fee purposes:	CHARLES M. LEEDOM, JR. 6524 TRUMAN LANE FALLS CHURCH, VA 22043				
Run Another Query					

Need Help? | USPTO Home Page | Finance Online Shopping Page | Alerts Page

*This is wrong. RE 40,450 was
issued on divisional App. Ser. No. 10/737,670.
RE 38,787 was never surrendered!*

<https://ramps.uspto.gov/eram/getMaintFeesInfo.do?jsessionid=0000onD1QTlbdDFoggd5M...> 6/2/2010

EXHIBIT B

hp officejet 7130
printer/fax/scanner/copier

Fax-istory Report for
Charles M. Leedom
703-241-5733
Jun 02 2010 7:40am

Last Transaction

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Jun 2	7:39am	Fax Sent	5712736500	1:16	3	OK

EXHIBIT C

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : RE 38,787 E
APPLICATION NO. : 09/392676
DATED : August 30, 2005
INVENTOR(S) : Joseph B. Sainton, Eric J. Robinson and Charles M. Leedom, Jr.

Page 1 of 1

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

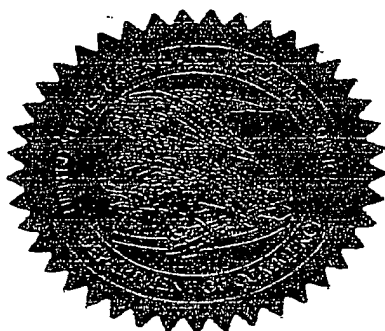
Column 1, lines 9 and 10, replace

"More than one reissue application has been filed for the reissue of Patent No. 5,761,621 which issued on application no. 08/709,112 filed September 6, 1996 which is continuation of 08/167,002 filed December 15, 1993 (now abandoned). The reissue application numbers are application no. 09/392,676 (the present application) filed September 8, 1999 (now RE38,787) and application no. 10/737,670 filed December 17, 2003 (pending). Applications nos. 09/392,676 and 10/737,670 are divisional reissues of Patent No. 5,761,621." with

—More than one reissue application has been filed for the reissue of U.S. Pat. No. 5,761,621 issued on application Ser. No. 08/709,112 filed Sep. 6, 1996 which is a continuation of application Ser. No. 08/167,002 filed Dec. 15, 1993 (now abandoned). The reissue applications are application Ser. No. 09/392,676 (the present application) filed Sep. 8, 1999 (now RE38,787); application Ser. No. 10/737,670 filed Dec. 17, 2003 (now RE40,540); and application Ser. No. 12/112,276 filed April 30, 2008, all three of which are divisional reissues of U.S. Pat. No. 5,761,621. The present application claims the benefit of application Ser. Nos. 08/167,002 and 08/709,112.—

Signed and Sealed this

Sixteenth Day of December, 2008



JON W. DUDAS

Director of the United States Patent and Trademark Office

EXHIBIT D



UNITED STATES PATENT AND TRADEMARK OFFICE

PTO-2142 (09-05)

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

CHARLES M LEEDOM JR
6524 TRUMAN LANE
FALLS CHURCH, VA 22043

June 4, 2010

NOTICE OF NON-ACCEPTANCE OF PATENT MAINTENANCE FEE

REGARDING PATENT NUMBER: RE38787

PAYMENT STATUS:

Payment Amount Received: \$ 4,240.00No charge was applied to your credit card account.Payment Year 11.5 (e.g., 3.5, 7.5, 11.5)PAYMENT RECEIPT DATE 06/02/2010
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- ☐ 1. The maintenance fee for the above-identified patent was previously paid on _____.
☐ Information regarding the previous payment is stated in item 8 below.
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- ☐ 3. The fee was paid too early. See 37 CFR 1.366(b). Pursuant to 37 CFR 1.362(d), the payment window will open for the above-identified patent on _____.
- ☐ 4. Your payment was not sufficient to cover the maintenance fee and any required surcharge for the above-identified patent. An additional amount of \$ _____ is/was required.
- ☒ 5. The above-identified patent was reissued. In accordance with 37 CFR 1.366(d), the reissue patent number and reissue application number must be provided.
- ☐ 6. The payment did not include corresponding patent and application numbers, and was not specially accepted.
- ☐ 7. The above-identified patent is not subject to maintenance fees. No maintenance fees are due on utility patents filed before 12/11/80. No maintenance fees are due on design patents or on plant patents. See 37 CFR 1.362(a) and (b). (The "Resubmitting Maintenance Fee Payment" and "Patent Expiration" sections below do not apply.)
- ☒ 8. Other: The reissued number you cited is incorrect.

Resubmitting Maintenance Fee Payment

The six (6) month "grace period" for paying the maintenance fee for the above-identified patent begins on _____ and ends on _____. In addition to the maintenance fee of \$ _____, a resubmitted payment filed in the USPTO during the 6 month "grace period" is required to include a surcharge of \$ _____. (See "Note" at the bottom of this Notice.)

To avoid patent expiration, the maintenance fee plus any required surcharge must be resubmitted in a manner that rectifies all of the indicated reason(s) for payment non-acceptance and *must be filed on or before the date the 6 month "grace period" ends*. Send by facsimile to the Office of Finance, Maintenance Fee Branch at (571) 273-6500, or by mail to the following address: Mail Stop M Correspondence, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450, to the attention of the individual who has signed below.

Patent Expiration

The date the six (6) month "grace period" ends becomes the expiration date of the above-identified patent if the required amount for paying the maintenance fee is not filed in the USPTO by that date. See 37 CFR 1.362(g). Expired patents may be reinstated if a petition as set forth in 37 CFR 1.378 is granted. If the above-identified patent has expired and reason number 5 or 6 above is the only reason indicated for payment non-acceptance, it is possible that the payment may be accepted if resubmitted with a petition as set forth in 37 CFR 1.377, rather than 37 CFR 1.378.

If you have any questions regarding this Notice, contact the Office of Finance, Maintenance Fee Branch at (571) 272-6500. Please ask for the individual who has signed below.

Michael Bangura (571) 272-6365
Printed Name of USPTO Representative

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Signature of USPTO Representative

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Jun 02 10 07:39a

Charles M. Leedom

703-241-5733

p. 1

PTO/SB/45 (03-05)

Approved for use through 03/31/2012, OMB 0651-0016

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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Enclosed herewith is the payment of the maintenance fee(s) for the listed patent(s).

1. ☐ A check for the amount of \$ _____ for the full payment of the maintenance fee(s) and any necessary surcharge is enclosed.
2. ☒ Payment by credit card. Form PTO-2038 is enclosed.
3. ☐ The Director is hereby authorized to charge \$ _____ to cover the payment of the fee(s) indicated below to Deposit Account No. _____.
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* Information required by 37 CFR 1.366(c) (columns 1 & 2). Information requested under 37 CFR 1.366(d) (columns 3, 4, & 5).

Item	Patent Number Column 1	U.S. Application Number [e.g., 06/555,555] Column 2	Maintenance Fee Amount (37 CFR 1.20(e)-(g)) Column 3	Surcharge Amount (37 CFR 1.20(h)) Column 4	Payment Year (select one below) Column 5		
					3.5 yrs	7.5 yrs	11.5 yrs
1	RE38,787	09/392,676	4110	130			X
2							
3							
4							
5							
Subtotals: Columns 3 & 4			4110	130	<input type="checkbox"/> additional sheets attached for listing additional patents.		
Total Payment			4240				

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Respectfully submitted, **

Customer's Signature

Customer's Name Charles M. Leedom, Jr.

Registration Number, if applicable: 26,477

Telephone: 703 241 0165

Fax: 703 241 5733

Note: All correspondence will be forwarded to the "Fee Address" or to the "Correspondence Address" if no "Fee Address" has been provided. See 37 CFR 1.363.

Payment of small entity fee is appropriate if small entity status still exists, see 37 CFR 1.27(g). To establish small entity status or to change status from small to large entity, a written assertion is required. See 37 CFR 1.27 and 1.33(b).

** WHERE MAINTENANCE FEE PAYMENTS ARE TO BE MADE BY AUTHORIZATION TO CHARGE A DEPOSIT ACCOUNT, BOTH THE NAME AND SIGNATURE OF AN AUTHORIZED USER ARE REQUIRED.

This collection of information is required by 37 CFR 1.366. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314.

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Charles M. Leedom

703-241-5733

P. 2

PTO-2038 (01-2010)

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Credit Card Account #:			
Credit Card Expiration Date (mm/yyyy):	04/2012		
Name as it Appears on Credit Card:	CHARLES M LEBEDOM JR		
Payment Amount (US Dollars): \$	4240		
Cardholder Signature:	<i>Charles M. Leedom</i>		Date (mm/yyyy): 06/02/2010
<small>Refund Policy: The USPTO may refund a fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee will not entitle a party to a refund of such fee. The USPTO will not refund amounts of \$25.00 or less unless a refund is specifically requested and will not notify the payor of such amounts (37 CFR 1.29). Refund of a fee paid by credit card will be issued as a credit to the credit card account to which the fee was charged. Service Charge: There is a \$50.00 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution (37 CFR 1.21 (m)).</small>			
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<input type="checkbox"/> Patent Fee	<input checked="" type="checkbox"/> Patent Maintenance Fee	<input type="checkbox"/> Trademark Fee	<input type="checkbox"/> Other Fee
Application No.	Application No. 09/392,676	Application No.	IDON Customer No.
Patent No.	Patent No. RE38,787	Registration No.	
Attorney Docket No.		Identify or Describe Mark	

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* surrendered upon issuance of divisional RE40,540 as indicated by PTO on-line maintenance records. See attached print out.

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Charles M. Leedom

703-241-5733

USPTO - Patent Bibliographic Data (Patent Number: RE38787)

Page 1 of 1 P. 3



United States
Patent and
Trademark Office

Patent Bibliographic Data		06/02/2010 07:30 AM	
Patent Number:	RE36787	Application Number:	09392676
Issue Date:	08/30/2005	Filing Date:	09/06/1996
Title:	APPARATUS AND METHODS FOR NETWORKING OMNI-MODAL RADIO DEVICES		
Status:	This patent has been released as RE40540		
Window Opens:	N/A	Surcharge Date:	N/A
Expiration:	N/A		
Fee Amt Due:	Window not open	Surcharge Amt Due:	Window not open
Total Amt Due:	Window not open		
Fee Code:			
Surcharge Fee Code:			
Most recent events (up to 7):	11/11/2005 Payment of Maintenance Fee, 8th Year, Large Entity. -- End of Maintenance History --		
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This is wrong. RE 40,450 was
issued on divisional App. Ser. No. 10/737,670.
RE 38,787 was never surrendered!

<https://ramps.uspto.gov/eram/getMaintFeesInfo.do?sessionId=0000onDIQTlbdDFoggd5M...> 6/2/2010

1 of 2

Rothwell, Figg, Ernst & Manbeck, 1425 K St NW, Ste 800, Wash, DC 20005(202-783-6040)

PAT-PTO RECEIPT

TO BE DATE-STAMPED BY THE U.S. PATENT AND TRADEMARK OFFICE AS ACKNOWLEDGMENT OF RECEIPT BY IT
OF THE FOLLOWING:**Petition Under Rules 1.181(B) and 1.377
With Exhibits A - D**

IN REGARD TO

ATTORNEY DOCKET NO.: 2972-104	SERIAL NO.: 09/392,676	PATENT NO.: 5,761,621
FIRST-NAMED INVENTOR: Joseph B. Sainton et al	FILING DATE 9/6/96	ISSUE DATE: 9/8/99
ATTORNEY/ASSISTANT: BSR/cjk	DUE DATE: ASAP	

Date-Stamp Here

